

REMARKS

This Amendment is responsive to the Non Final Office Action received on July 10, 2007 setting a three-month shortened statutory period for response which expired on October 10, 2007. This response is accompanied by authorization to charge fees for a one-month extension of time.

The office action issued by the Examiner and the citations referred to in the office action have been carefully considered. Claims 1-11 and 19-24 have been rejected under 35 U.S.C.(a) as being unpatentable over Gabai et al. (US 6352478). The Office Action states that Claims 1-11 and 19-24 are pending; the Applicant believes this to be a typographical error and should be Claims 1-11 and 19-27 are pending. Independent claims 1, 6, 9, and 19-24 have been amended.

Claim Rejections - 35 U.S.C. § 103

The Applicants submit that the amusement park system of Gabai is different from that of the present disclosure as now claimed.

The Office Action identifies the “owl doll” disclosed in column 49, lines 23-25 of the Gabai patent as corresponding to the toy in the present application. In the Gabai patent, the “stationary locating poles” identify the location of a toy, for example the “owl doll,” and cater the transmitted messages to the doll and surrounding entertainment media, another example being “The clown doll 2160 has moved toward the human visitor 2190, extended his hand, and issued a greeting including the name of the visitor,” disclosed in column 49, lines 25-27. In these examples the “owl doll” and “clown doll” are only able to receive messages that the “central node controller” prepared specifically for the user of that specific doll. The toy in the Gabai patent is only able to relay a message to a user that is transmitted to it via “stationary locating poles” that is prepared by the “central node controller.”

In contrast, the Applicants’ amended claims provide for stationary “location transmitters” and roving transmitters that emit a “location signal” that is location specific and not user specific.

The toy is able to prepare and deliver to the user holding the toy a predefined response based on the toy's location relative to a roving character.

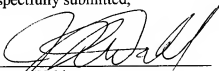
Gabai et al does not teach a toy that stores a plurality of audio messages.

The toy in the Gabai patent can only play audio messages it receives from the “central node controller.” The “central node controller” tracks the progress of the toy through the park and transmits an audio signal to the toy that is specific to the location of the toy. The toy then receives the audio signal and converts the signal to an audio output, like a one way radio. In contrast, Applicants' now claimed device is a device including an “electronic system having a programmable memory structured to store software and preprogrammed data, said software structured to interpret a received electronic signal and to trigger playback of preprogrammed data related the received electronic signal” Unlike a one way radio, Applicants' claimed device of the present disclosure has all plurality of predetermined responses stored within and the device is programmed to play a specific response upon receipt of the location signal. The device, for example, a toy as described specifically in the present disclosure, and as now claimed, therefore, “knows” its location relative to the roving character and is interactive with the user unlike the toy in the Gabai patent that is a passive conduit of the “central node controller.”

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge \$120.00 for a one-month extension of time as well as any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 054317-029101 is referred to when charging any payments or credits for this case.

Respectfully submitted,



John B. Wahl
Reg. No. 33,044

Date: December 5, 2007

Customer Number 46560
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-7700
Fax: (310) 586-7800
E-mail: laipmail@gtlaw.com